REMARKS

Please reconsider the claims in the application in view of the remarks below.

Claim Rejection – 35 U.S.C. §103(a)

The Office Action rejected claims 1, 2, 12-15, 25, 26 and 33 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,405,315 ("Burns") in view of U.S. Patent No. 6,959,384 ("Serret-Avila"). The Office Action rejected claims 3, 7-8, 10, 11, 20, 21, 23, 27, 29-32 under 35 U.S.C. §103(a) as allegedly being unpatentable over Burns in view of Serret-Avila and further in view of U.S. Patent No. 6,931,543 ("Pang"), in view of U.S. Patent No 5,124,117 ("Tatebayashi"). Claims 4, 17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Burns and Serret-Avila in view of U.S. Patent No. 5,608,801 ("Aiello"). Of the pending claims, claims 1, 14, 25 and 33 are independent.

With respect to applicant's previous argument that none of the cited references disclose, suggest or teach that the root of the integrity tree is stored or kept on the client device, the Examiner responds by citing Serret-Avila's Figure 2B, 204 and Col. 15, lines 27-28, which states in verbatim, "the entire hash tree is loaded into memory and authenticated." The Examiner further comments, "...the claims do not require the tree structure to 'stay' on the customer computer..."

In this reply, without conceding to the propriety of the rejections, applicant is amending independent claims 1, 14, 25 and 33 to further clarify what is being claimed. Support for the amendment can be found in paragraphs [0014-0017] of the originally submitted specification.

Claims as amended now recite that "said root data structure is stored on the client device where said integrated value and said root data structure is generated."

As the Office Action concedes, Burns does not disclose or suggest storing integrity tree on the client device. Serret-Avila also does not disclose, suggest or teach storing the root data structure on the client device where said integrated value and said root data structured was generated. Rather, Serret-Avila, in Col. 15, lines 7-11 explicitly disclose that, "the user first obtains the content file and its corresponding signature and hash tree (1102). For example, the user's system 204 may receive these data from network 203 or a disc 280 inserted into disc drive 258." Thus, it is clear that Serret-Avila does not disclose, suggest or teach that the root of the integrity tree is stored on the client device where it was generated. Contrarily, Serret-Avila needs to retrieve or download its hash value from the network before using it.

In the present application as claimed in independent claims, a customer keeps the root on his computer. Since the root of the integrity tree resides in the customer computer, no one (or process) can tamper with the contents of the network-attached storage device without being detected. Since the customer keeps the root of the integrity tree, he can determine whether a change has occurred, e.g., whether his data has been tampered with.

For at least the above reason, applicant believes that independent claims 1, 14, 25 and 33, and their respective dependent claims at least by virtue of dependency are not obvious over Burns and Serret-Avila.

With respect to the dependent claims rejected also in view of the rest of the references, because those references fail to disclose or suggest what Burns and Serret-Avila lack as

explained above with respect to independent claims, those dependent claims also are believed to be unobvious over the cited references.

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference might expedite prosecution of this case, applicant respectfully requests that the Examiner call applicant's attorney at (516) 742-4343.

Respectfully submitted,

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